



ASSESSMENT WORKBOOK



CPCCBBC4003

Select, prepare and administer a construction contract

Copyright

This document was developed by TotalVET Training Resources.

© 2021 TotalVET Training Resources.

All rights reserved.

No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise without the prior written permission of TotalVET Training Resources.

Version Control & Document History

Date	Summary of Modifications	Version
12 February 2021	Version 1.0 released for publishing	1.0
17 November 2022	Version 1.1 – Minor amendments	1.1

Table of Contents

Table of Contents	3
Introduction	5
Competency-Based Assessments	6
Assessing Nationally-Recognised Training	7
Dimensions of Competency.....	8
Reasonable Adjustment.....	9
The Unit of Competency.....	9
The Context of Assessment	10
Assessment Methods	11
Resources Required for Assessment	12
Assessment Workbook Cover Sheet	13
Knowledge Assessment	14
Practical Assessment	29
Candidate Instructions	29
Preliminary Assessment Information	30
Practical Assignment	31
Overview	31
Practical Assignment	32
Task 1 – Identify Building and Construction Contract	32
Task 2 – Identify Intention of Legal Relation.....	33
Task 3 – Identify Parts of a Contract	33
Workplace Assessment.....	40
Overview	40
Task 1 – Liaise with Contracting Parties	43
Task 2 – Select the Type of Contract.....	44
Task 3 – Prepare and Compile the Range of Documents to be Used in the Contract	45
Task 4 – Draft the Contract	46
Task 5 – Review Draft Contract with Relevant Persons	47
Task 6 – Prepare Final Contract.....	47
Task 7 – Process Progress Payments.....	48
Task 8 – Process Application for Extension of Time	48
Task 9 – Negotiate Contract Variations.....	49
Task 10 – Workplace Measures Against Breach of Contract.....	49
Task 11 – Confirm Performance of Work.....	50

Task 12 – Review Conditions for Issuing a Final Certificate	51
Task 13 – Verify Practical Completion of the Project	53
Task 14 – Finalise Defects Liability	54
Task 15 – Issue Certificate Upon Completion of Work	55
Task 16 – Finalise the Contract and Secure Documentation for Records Purposes	56
Assessment Workbook Checklist.....	57
Record of Assessment (Assessor’s Use Only).....	60

Introduction

The assessments in this workbook are divided into three categories: Knowledge Assessment and Practical Assessment.

The **Knowledge Assessment** is a set of general and workplace questions testing your knowledge and understanding of the general theory behind the unit.

You must answer all Knowledge Assessment Questions using your own words. However, you may refer to your Learner Guide and other relevant resources and learning materials to complete this assessment.

Some questions cover processes you would likely encounter in a workplace. Ideally, you should be able to answer these questions based on the processes that are currently in place in your workplace. However, if you do not currently have access to a workplace, then answer the questions based on processes that should be implemented in a typical workplace setting.

The **Practical Assessment** is made up of the **Practical Assignment** and **Workplace Assessment**. This assessment tests your practical skills with respect to the requirements of the unit of competency relevant in this workbook.

The Practical Assessment requires you to complete and submit workplace documents and other documentation relevant to the unit of competency.

The evidence you submit must be your own work except where due reference is made and where you are required to submit supplementary workplace documents such as policies and procedures.

When completing the assessments included in this workbook:

1. Read the instructions provided in each task carefully before attempting to complete the task. The instructions will guide you on how to answer the question or complete the task satisfactorily.
2. Follow the steps provided in each task.
 - If the question instructs you to describe, provide a description as your response. If the question instructs you to list, provide a list as your response.
 - Where there is a number of required responses, provide the required number of responses. For example, if you are asked to list three responses, provide three responses.
3. Ensure that all your submissions for this assessment indicate your first and last name and that these submissions have been named according to the file naming convention prescribed in each task.

Competency-Based Assessments

Definition of Competency

Assessment in this context can be defined as the fair, valid, reliable, and flexible gathering and recording of evidence to support the judgement on whether competency has been achieved. Skills and knowledge (developed in a structured learning situation, at work, or in some other context) are assessed against national standards of competence required by industry, rather than compared with the skills and knowledge of other candidates.

The features of a competency-based assessment system are:

- It is focused on what candidates can do and whether it meets the criteria specified by the industry as competency standards.
- Assessment should mirror the environment the candidate will encounter in the workplace.
- Assessment criteria should be clearly stated to the candidate at the beginning of the learning process.
- Assessment should be holistic. That is, it aims to assess as many elements and/or units of competency as is feasible at one time.
- In competency assessment, a candidate receives one of only two outcomes – ‘competent’ or ‘not yet competent.’
- The basis of assessment is in applying knowledge for some purpose. In a competency system, knowledge for the sake of knowledge is seen to be ineffectual unless it assists a person in performing a task to the level required in the workplace.
- The emphasis in assessment is on assessable outcomes that are clearly stated for the trainer and candidate. Assessable outcomes are tied to the relevant industry competency standards where these exist. Where such competencies do not exist, the outcomes are based upon those identified in a training needs analysis.

Assessing Nationally-Recognised Training

Developing and conducting assessment, in an Australian Vocational Education and Training (VET) context, is founded on the Principles of Assessment and the Rules of Evidence:

Principles of Assessment

1. Assessment must be valid

- Assessment must include the full range of skills and knowledge needed to demonstrate competency.
- Assessment must include the combination of knowledge and skills with their practical application.
- Assessment, where possible, must include judgements based on evidence drawn from a number of occasions and across a number of contexts.

2. Assessment must be reliable

- Assessment must be reliable and must be regularly reviewed to ensure that assessors are making decisions in a consistent manner.
- Assessors must be trained in national competency standards for assessors to ensure reliability.

3. Assessment must be flexible

- Assessment, where possible, must cover both the on- and off-the-job components of training within a course.
- Assessment must provide for the recognition of knowledge, skills, and attitudes regardless of how they have been acquired.
- Assessment must be made accessible to candidates through a variety of delivery modes, so they can proceed through modularised training packages to gain competencies.
- Assessment must be mutually developed and agreed upon between assessor and the assessed.
- Assessment must be able to be challenged. Appropriate mechanisms must be made for reassessment as a result of challenge.

4. Assessment must be fair

- Assessment process must consider the individual needs of the candidate.
- Assessment must provide for reasonable adjustments, where appropriate, to consider the individual candidate's needs.

(Source: Standards for RTOs 2015, Clauses 1.8 – 1.12)

Rules of Evidence

When collecting evidence, certain rules apply to that evidence. All evidence must be valid, sufficient, authentic, and current:

1. Valid

Evidence gathered should meet the requirements of the unit of competency. This evidence should match, or at least reflect, the type of performance that is to be assessed, whether it covers knowledge, skills, or attitudes.

2. Sufficient

This rule relates to the amount of evidence gathered. Enough evidence must be gathered to satisfy the requirements that the candidate be competent in all aspects of the unit of competency.

3. Authentic

When evidence is gathered, the assessor must be satisfied that evidence is the candidate's own work.

4. Current

This relates to the recency of the evidence and whether the evidence relates to current abilities.

(Source: Training in Australia by M Tovey, D Lawlor)

Dimensions of Competency

The national concept of competency includes all aspects of work performance and not only narrow task skills. The four dimensions of competency are:

1. Task skills
2. Task management skills
3. Contingency management skills
4. Job or role environment skills

Reasonable Adjustment

‘Reasonable adjustment’ in VET is the term applied to modifying the learning environment or making changes to the training delivered to assist a candidate with a disability. A reasonable adjustment can be as simple as changing classrooms to be closer to amenities or installing a particular type of software on a computer for a person with vision impairment.

Why make a reasonable adjustment?

We make reasonable adjustments in VET to make sure that candidates with a disability have:

- The same learning opportunities as candidates without a disability, and
- The same opportunity to perform and complete assessments as those without a disability.

Reasonable adjustment applied to participation in teaching, learning, and assessment activities can include:

- Customising resources and assessment activities within the training package or accredited course
- Modifying the presentation medium
- Learner support
- Use of assistive/adaptive technologies
- Making information accessible both before enrolment and during the course
- Monitoring the adjustments to ensure candidate needs continue to be met

Assistive/Adaptive Technologies

Assistive/Adaptive technology means ‘software or hardware that has been specifically designed to assist people with disabilities in carrying out daily activities’ (World Wide Web Consortium - W3C). It includes screen readers, magnifiers, voice recognition software, alternative keyboards, devices for grasping, visual alert systems, digital note-takers.

(Adapted Reasonable Adjustment in teaching, learning and assessment for learners with a disability - November 2010 - Prepared by - Queensland VET Development Centre)

IMPORTANT:

Reasonable adjustment made for collecting candidate assessment evidence must not impact on the standard expected by the workplace, as expressed by the relevant unit(s) of competency. For example, if the assessment were gathering evidence of the candidate’s competency in writing, allowing the candidate to complete the assessment verbally would not be a valid assessment method. The method of assessment used by any reasonable adjustment must still meet the competency requirements.

The Unit of Competency

The units of competency specify the standards of performance required in the workplace.

This assessment addresses the following unit of competency:

CPCBC4003 - Select, prepare and administer a construction contract

1. Identify and analyse business contracts.
2. Select appropriate contract.
3. Prepare the contract.
4. Administer the contract.
5. Finalise a contract.

A complete copy of the above unit of competency can be downloaded from the TGA website:

<https://training.gov.au/Training/Details/CPCCBC4003>

The Context of Assessment

To complete the assessments in this workbook, students need to have access to their learning materials and the Internet. The Knowledge Assessment may be completed wholly at the candidate's home or chosen place of study. The Practical Assessment must be completed in a workplace or a simulated environment.

Assessment Methods

This workbook uses the following assessment method/s:

- 1. Knowledge Assessment**

A set of general and workplace questions testing the candidate's general knowledge and understanding of the general theory behind the unit.

- 2. Practical Assignment**

A series of written practical tests assessing the candidate's practical knowledge and understanding of the unit of competency.

- 3. Workplace Assessment**

A set of tasks or activities completed according to set instructions and guidelines to meet the requirements of the relevant unit. These tasks and activities require you to have access to a workplace or a similar environment.

Resources Required for Assessment

The Training Organisation to provide/organise candidate with access to:

- Workplace, or a similar environment, where the candidate can complete the assessments, and that will allow them access to:
 - Building and construction project
E.g., for a Residential Building (Class 1 and 10 buildings, max two storeys) or Commercial (Class 2 to 9, Type C only constructions).
 - Opportunities to complete the workplace assessment tasks within this project.
 - Workplace resources to select, prepare and administer legal requirements in the project, such as but not limited to:
 - Organisational templates for drafting project contracts and agreements.
 - Relevant project documents such as project plans, specifications, timelines, and schedules, etc.
 - Resources to conduct a site inspection, e.g., materials, equipment, plant, concrete work, etc. the candidate can inspect.
 - Resources to monitor the progress of the project, e.g., organisational site diary templates, any software (e.g. Gantt chart) used by the organisation to monitor the progress of the project.
 - Certification documents for building, subcontractor, workers' compensation, materials, etc., including certificates of insurances/certificate of currency.
 - Invoices from project suppliers and subcontractors.
 - Relevant government building and construction and contract legislation
 - Current building and construction codes and standards
 - Relevant construction industry contracts
 - Construction drawings and specifications
 - Organisational policies and procedures and other quality documentation required to undertake the performance criteria and assessment requirements.
 - Digital devices, applications, and software to transmit and receive information electronically.

The candidate will need access to:

- Computer with Internet, email access, and a working web browser
- Installed software: MS Word, Adobe Acrobat Reader

Assessment Workbook Cover Sheet

To the candidate: Print this cover sheet and complete it by filling in all the required information and signing in the space provided. Your signature must be handwritten. Scan the completed cover sheet and submit it along with your evidence submissions. Use the filename: **CPCCBC4003 Cover Sheet**

Workbook	CPCCBC4003
Title	Select, prepare and administer a construction contract
First and Last Name	Noreen Abu-Obeid
Phone	0415818248
Email	nabuobeid@gmail.com

Please read the Candidate Declaration below and if you agree to the terms of the declaration, sign and indicate the date in the spaces provided.

By submitting this work, I declare that:

- I have been advised of the assessment requirements, have been made aware of my rights and responsibilities as an assessment candidate, and choose to be assessed at this time.
- I am aware that there is a limit to the number of submissions that I can make for each assessment, and I am submitting all documents required to complete this Assessment Workbook.
- I have organised and named the files I am submitting according to the instructions provided. I am aware that my assessor will not assess work that cannot be identified and may request the work be resubmitted according to the correct process.
- This work is my own and contains no material written by another person except where due reference is made. I am aware that a false declaration may lead to the withdrawal of qualification or statement of attainment.
- I am aware that there is a policy of checking the validity of qualifications that I submit as evidence as well as the qualifications/evidence of parties who verify my performance or observable skills. I give my consent to contact these parties for verification purposes.

Name: Noreen Abu-Obeid

Signature: 

Date signed: 09/03/2023

Knowledge Assessment

1. Answer the following questions about the Australian legal system.

i. What is a legal system?

A legal system is one that covers the laws of the land, how they are made and how they are applied and enforced. The system regulates construction contracts to ensure obligations are met.

ii. What form of legal system does Australia have?

Common Law system

iii. What are the two major sources of Australian law?

- a. Cases
- b. Legislations

iv. Provide the legal elements required for a contract to be formed.

- a. Offer
- b. Acceptance
- c. Intention
- d. Consideration

v. How does the Australian legal system affect construction contracts?

It ensures that all parties obligations are met and rights are protected

2. Listed below are pieces of legislation that affect construction constructs in Australia.
Explain how these are applied in drafting construction contracts.

Legislation	Application
i. Fair Work Act	Fair work Act complies with: ○ Fairness at work ○ Working arrangements ○ Employee/employer relationship requirements ○ Regulations against workplace discrimination ○ Minimum entitlements
ii. WHS Laws	WHS Laws complies with: ○ Workers' compensation insurance ○ Work, Health and safety requirements in the workplace ○ Risk management requirements
iii. Building and construction	Building and construction legislations comply with: Building and Construction specifications
iv. Consumer Laws	Consumer Laws comply with: ○ Consumer rights requirements ○ Fair contract terms ○ Lay-by agreements rules ○ Product safety laws

3. Listed below are different types of construction contracts in Australia. When is each contract used or necessary?

Types of contracts	When is it used or necessary?
i. Residential contracts	It is used: 1. When you are a party to a contract carrying out residential building work 2. When a residential building or a part of it is being sold, if the contract requires residential building work 3. When there is an arrangement for someone to carry out residential building work 4. Documentation must be attached to this contract as required.
ii. Commercial contracts	It is an agreement between parties that involves items/actions to do or not to do in commercial buildings
iii. Subcontractor agreements	These are agreements between the main contractor and subcontractor and involves: 1. Scope of works 2. Duration of works 3. Their status in terms of tax paying or not 4. Payment and billing structure and mode 5. Non-competition / non-disclosure clauses 6. Subcontracted to do the work and anything created will belong to the contractor 7. Insurances 8. Prohibition of assignment and that the scope is to be completed by the subcontractor as assigned and contracted to do 9. Indemnity and responsible for the quality of work 10. Warranties to deliver as contracted to 11. Disputes and arbitration for resolving matters 12. Termination of contract

	13. Jurisdiction which will identify the laws followed 14. Entirety of Agreement 15. They provide the Compliance certificates as required
iv. Lump-sum contracts	This is a contract where the contractor and the client arrange a fixed price for the work that needs to be done and completed. It is usually used for simple projects with well-defined scope of works.
v. Cost-plus contracts	This is a contract whereby the client agrees to reimburse the contractor for the building expenses (labour, material) and any additional payment stated as a percentage of the contracts full price with complete transparency. It has more flexible provisions and usually of a less risk for the contractor

4. Answer the following questions Australian Building Industry Contracts (ABIC).

i. What are Australian Building Industry Contracts (ABIC)?

These are contracts produced by Master Builders Australia with the Australian Institute of Architects and are used by architects involved in a building project to use when they are administering building contracts. These usually make contract administration clear and less prone to dispute or time-consuming negotiation, bringing certainty to the process

ii. Identify the two bodies who publish ABIC contracts.

- a. Master Builders Australia
- b. Australian Institute of Architects

iii. List four features of Australian Building Industry Contracts (ABIC).

- a. They are in plain English and clear to understand with a logical structure that reflects the sequence of the construction process
- b. Allocation of project risks to the parties is known, therefore eliminating uncertainty and potential disputes
- c. They include versions for Major, Simple or Basic works for both Housing and non-housing projects as well
- d. They have detailed supporting documents, user guides, template forms for both the architect and the contractor

iv. Differentiate an Australian Building Industry – ABIC Major Works (MW) contract from an Australian Building Industry – ABIC Simple Works (SW) contract, by explaining what each is for.

The Australian Building Industry – ABIC SW contract is for:

This is for simpler projects usually used for housing projects and is brief and basic and covers elements that make it legally enforceable contract like mutual assent, expressed by a valid offer and acceptance, adequate consideration, capacity and legality.

While the Australian Building Industry – ABIC MW contract is for:

This is for more complex projects which may include:

- o need for urgent instructions
- o involvement of separable parts to the scope of works
- o change of security given by the contractor to the owner and vice versa
- o provisions of security for payments

- Involves dangerous or contaminated materials or encroachments
- Involves quality assurance systems
- Where we can identify project specific potential causes of delay that may lead to higher costs
- Amendments and its consequences
- Alternative dispute resolution
- Disputes and arbitration of it
- Contract confidentiality

v. List five things the MW contract provides/covers which the SW contract does not.

1. need for urgent instructions
2. involvement of separable parts to the scope of works
3. change of security given by the contractor to the owner and vice versa
4. provisions of security for payments
5. Involves quality assurance systems

5. Listed below are terminologies commonly used in construction contracts.

For each of the following terminologies provide a brief definition and explain how each impacts the project.

Terminology	Definition	Impact on projects
-------------	------------	--------------------

i. Extension of time (EOT)	This is the request or allowance for extension of the period stated earlier in the contract especially when there is a delay outside of the contractors control.	This extends the date of practical completion and this relieves the contractors of any liabilities for liquidated damages that would have occurred
ii. Practical completion	This is when all the works as per contract has been carried out and completed.	This allows for hand over to the client as works are now complete and ready to use.

Terminology	Definition	Impact on projects
iii. Liquidated damages	This is the amount paid by the contractor to the client when the practical completion is not achieved as per the date set in the contract. And in order to prevent this an extension of time request is relevant.	It allows the client to collect compensation when there is a breach of contract

iv. Force majeure	This refers to unforeseen events or circumstances beyond control of the parties in the contract and no one can be blamed for them	These allow the contractors to request for an extension of time in order to extend the practical completion date on the contract without any penalties involved as the event occurring here is in no-one's control.
v. Terminations	This is a clause in the contract which covers the circumstances in which a contract can be legally terminated or ended.	This frees the parties involved from their obligation when the mentioned termination event occurs

6. Answer the following questions about AS2124 and AS4000.

i. What are the common features between the AS2124 and AS4000? List five common features. a. Relief of Latent conditions (variations) whereby the contractor can claim the costs associated with a latent condition, except those incurred more than 28 days before they gave notification of the issue. b. Both require a licence fee for use of the contracts and no time bars apply c. Apportionment of concurrent delays d. Both are most widely used contracts in construction industry e. Approval of EOT's whereby when a delay to the contract's request for an EOT has not received a response within 28 days of receiving it, the request will automatically be considered approved and the extension of time will be granted for the full amount that was requested f. Designed for use on major building and engineering projects g. Contract price is calculated as lump sum or bill of quantities/rates or a combination h. A 'superintendent' is engaged to administer the contract, represented by a professional/consultant/employee of client	ii. What must be considered when choosing AS2124 for construction contracts? Provide one example. There is nowhere to sign in the AS 2124 general conditions pages and usually one needs to add a 'formal instrument of agreement' or 'letter of acceptance'. The main basic features are it involves a lump sum price with a fixed price and a fixed timeframe and if not met, liquidated damages will apply, unless Extension of Time is requested. The process of variations should be clear. AS 2124 contains the specific provision of Provisional sums and the price of these items is adjusted once the final cost is known. If there are any delays, contractors will still be paid Eg) One example is where the contract is terminated before liquidated damages have been certified by the client. Under AS 2124, the contractor would already be liable for liquidated damages.
iii. What are two distinguishing features of AS4000. a. The contractor can claim costs of pricing a variation, whereby the purpose is to encourage specifications of the works as accurately as possible at the beginning of the project and to ensure the contractor is reasonably compensated for any additional work involving price changes b. Liquidated damages - if the contractor fails to reach practical completion, the contractor will automatically become indebted to the client for liquidated damages the client has to certify liquidated damages prior to taking action	

- iv. What are differences between AS2124 and AS4000? List five differences.
- c. Extension of Time – AS2124 includes a broad list of causes of delay for which the contractor can claim an EOT and is claimable if requested in a timely manner. The AS4000 relies on 'qualifying cause of delay' and can be confusing
 - d. Calculation on delay costs – AS2124 requires the client to pay 'extra costs as are necessarily incurred by the contractor by reason of the delay' while AS4000 the contractor is granted an EOT for a 'compensable cause'
 - e. Failing to communicate and its consequences – AS2124 includes latent condition and contractors prescribed notice clauses while AS4000 states that to communicate a claim relies on 'entitle the other party to damages for breach of contract but shall neither bar nor invalidate the claim'
 - f. Liquidated damages – AS2124 if the contractor fails to reach practical completion, the contractor will automatically become indebted to the client for liquidated damages and no certification by the client is required. In AS4000 the client has to certify liquidated damages prior to taking action
 - g. Interest on late progress payments - In AS 2124, interest is compounded at six-monthly intervals. There is no corresponding provision in AS 4000.

7. Answer the following questions about the relationship between the organisation and its clients

- i. Briefly explain the relationship between the organisation and its clients.

Projects are built on trust, honesty and good communication with the client and contractor having a good working relationship with each other whereby the contractor understands the customer's needs and focusses on delivering the project that fulfils these needs. The client is prepared to pay a premium to work with a contractor that they know they can trust and rely on to deliver their construction project on time and with good quality.

- ii. Why is a contract necessary for this relationship?

Contracts outline the rights and responsibilities of each party, as well as the costs, benefits, and details of how the contract may be terminated. They're basically a promise that you're going to take a certain action, such as completing work by a stated date or paying the other party for services rendered. It outlines the terms and conditions of the agreement, the rights of both parties, the amount to be paid, the date of commencement of the work, and the expected date of completion. Contractual obligations are produced as one of the essential parts of a contract. In the construction industry, the foremost obligation that a contractor has is to provide the service that they have been hired for, as stated in the contract. In reciprocation, the hirer's primary obligation is to provide payment to the contractor upon delivering the agreed-upon service following the terms of the contract.

8. Provide two ways CRM systems can benefit a business.

- i. CRM systems help to centralize the communications with the clients and demonstrates dashboards that are visual in nature and easy to see and understand
- ii. It is simply efficiency enhanced by automation, making communication more efficient and effective.

9. Why are the following items important when drafting a contract?

Items	Importance to contracts
i. Equipment information	It allows the parties to know what tools are required for the Building Project and also outlines the equipment/tools/machinery that is required for the project and its costs. These could be hired or bought by the contractor/subcontractors for use on the Projects
ii. Site accommodation information	This is the site/location of the Project and where it will be executed as shown on the contract. The site accommodation information allows the parties involved to know the scope of accommodation that will be provided and their responsibilities towards it. Usually consist of an on-site office where meeting and documentation take place. They may include facilities as shown on the contract.
iii. Services information	This allows the parties involved to know the scope of services that will be offered and their responsibilities towards it as shown in the contract. Examples are electricity/water/lighting/security/communication facilities

iv. Human resource projections	These are the people involved and have the capacity to provide the technical, professional, skilled and financial support to complete the project by meeting the right competencies/capabilities/skills to meet the needs of the Project. The HR projection determines this number of people and their skill sets and help us to plan and find the right people for the right job. These projections are shown and shared in forming the contract.
v. Materials list	This is the list of materials that is used in the Building project. It allows all parties involved to know the material that will be used in the project and as shown on the contract

Items	Importance to contracts
vi. Construction drawings and specifications	These documentation form part of the contract and shows the materials, procedures, specifications to perform the project. These provide a visual representation of the building project and the requirements of the Project. The Project is based on these plans and hence you must ensure these are updated and currency is met and confirmed.
vii. Project timelines	This is the visual representation of the schedule for the Building Project and provides the stages of works that needs to be done within particular timeframes and is reflected in the contract. As with other documents that form the contract, collaborating with the contracting parties and different departments to ensure that you are all on the same page with the project timelines is important for a successful project.
viii. Schedules	These are a list of tasks that need to be completed within agreed timeframes and shows dates of commencement, completion, and tasks. These form part of the contract

10. Listed below are examples of digital tools and devices that can be used to communicate and collaborate. Explain how these tools and devices can be used in building and construction.

Digital tools and devices	Use
i. Internet blog	This is a tool that increases reach to builders who need tips regarding certain methods of construction and a space where the builders share their expertise with their colleagues

ii. Video conferencing	This allows plans and drawings and information to be shared via video from the office or the site. This makes live discussion where issues can be viewed and solutions made easily therefore tracking well on the Projects
iii. Smartphone	These give builders the access to Building and Construction information on the phone and so it is accessible at any time and place and all concerned parties access the same information.
iv. Personal computer	Computers help parties to communicate with each other via emails, zoom, team meetings or any video and audio applications.

11. Listed below are examples digitally based technology and applications for researching information. Explain how these technology and applications can be used in construction of energy efficient buildings.

Technology and application	Use
i. Scholarly websites	These are information or sources that are usually produced by government or industry sites, written by experts in the industry and can be found in research websites. These contribute to the knowledge and know-how of particular information, findings, how-to's, reports or case studies. These help to improve the overall quality of the work you are researching about based on new information, research, analysis about the topic of interest.
ii. eBooks	eBooks are online books that one can access at any time and place via a smart phone or computer or laptop, making any required material easily accessible. These are usually free but would require to be downloaded or sometimes purchased. They are a great resource and are exactly like a physical book, but only in a digital format.

iii. ArticleSearch (application)	Article Search is a good starting point for researching any Building and construction topic you want to know and learn about. Your searching capability has to be specific to the topic you are looking for. You can also use keywords, or synonyms to get a good article search. .
iv. FlipBoard (application)	This is a social network where the users connect and discuss matters. It is a place where you can throw out your query or question or comment and answers, comments or advice can be shared back. This is available on phones and computers/laptops as well. The articles and topics of interest are displayed for everyone to learn from or take in.

Practical Assessment

Candidate Instructions

The Practical Assessment is a set of tasks that must be completed in a workplace, or in an environment with conditions similar to that of a real workplace.

This assessment will help you demonstrate skill requirements relevant to selecting, preparing and administering a construction contract.

The Practical Assessment includes the following:

- 1. Practical Assignment**

A series of written practical tests assessing the candidate's practical knowledge and understanding of the unit of competency.

- 2. Workplace Assessment**

A set of tasks or activities completed according to set instructions and guidelines to meet the requirements of the relevant unit. These tasks and activities require you to have access to a workplace or a similar environment.

Preliminary Assessment Information

The tasks in this practical assessment must be completed in a workplace (or a similar environment) and in the context of a building and construction project which you are currently a part of.

E.g., You are a builder, a site manager in training, foreperson, or an apprentice in this project, etc.

Before starting the practical assessment, record the following information for your assessor's reference.

When completing the tasks in this practical assessment ensure that your responses and performance must align with the information you have provided below.

For example (but not limited to):

- If the task asks you to refer to building and construction legislation and regulatory requirements, refer to the requirements that apply to the state/territory where your nominated building and construction project is undertaken.
- If the task requires you to follow organisational policies and procedures, refer to the policies and procedures in your nominated organisation/workplace.

Work role/title	Office Manager/Business Project Support/Project Manager
Organisation/workplace	Knights CBI
Building and construction project	Residential
Project overview	New build home.
Building classification	1a
Project site address	1520 Sandgate Road, Nundah QLD 4012
State/territory where this project is being undertaken	QLD

Practical Assignment

Overview

The goal of this assessment is to assess your practical knowledge of:

- Various types of building and construction contracts, their legal requirements and application.

This assessment has three tasks:

- Task 1 – Identify Building and Construction Contract
- Task 2 – Identify Intention of Legal Relation
- Task 3 – Identify Parts of a Contract

This task must be completed in the context of the workplace you have nominated in the “Preliminary Assessment Information” section.

You are required to:

- Identify information about the construction contract relevant to the project you are working on.
- Identify the legal requirements of contracts relevant to your state/territory.
- Identify the application of contracts relevant to your state/territory.
- Access and review a range of documents associated with a contract:
 - equipment, site accommodation and services information
 - human resource projections
 - materials lists
 - construction drawings and specifications
 - project timelines
 - schedules
- Review the task instructions included in this Practical Assignment
- Record your response as required in the instructions.

Resources required for assessment

- Various types of building and construction contracts
- Organisational policies and procedures and other quality documentation

Practical Assignment

Task 1 – Identify Building and Construction Contract

1. Review each and in the spaces provided below:
 - i. Provide two legal requirements that apply to each type of contract.
 - ii. Explain each contract's application or use.

Type of contract	Legal requirement	Application
i. Residential Contracts	a. When you are a party to a contract carrying out residential building work b. when there is an arrangement for someone to carry out residential building work	These are contracts used in Residential properties
ii. Commercial contracts	a. 'Doing' actions elaborated b. 'Not doing' actions elaborated	These are contracts used in non-residential properties / commercial properties.
iii. Lump-sum contracts	a. The contractor and the client arrange a fixed price for the work that needs to be done b. The contractor will be hired before the project commences and will finish the project with the set price. Note there is little provision for adjusting the pricing.	This is usually used in simple projects where there are well defined responsibilities for all parties involved and the contract provides clear and defined terms.

Task 2 – Identify Intention of Legal Relation

2. What is the importance of the intention to create legal relations?

The importance of the intention to create legal relations lies in situation where parties involved are legally binding through an agreement between them and the parties accept that there could be legal consequences of breach or termination if not followed once they have entered this agreement and shows the seriousness of the contract and the consequences if breached. These could be in the form of suing and filing for damages or disputes.

Task 3 – Identify Parts of a Contract

3. Access and review a construction contract from your workplace and answer the following questions about the different components.

Note: If you are unable to access a construction contract from your workplace use the following:

- Example - Building Contract (HO5), which can be located in Study Central.

i. Based on the contract provided, identify all the contract elements that are present.

As per example – Building contract (HO5):

Offer was made

Acceptance – no email / phone/ written note / post is received to confirm this

Intention to create a legal relationship was made with the contract in place

Considerations for the offer is made

- ii. Identify five terms related to construction that was used on the contract and provide a brief explanation for each.

Term	Explanation
a. Practical completion	This is when all the works as per contract has been carried out and completed. Shown on example – Building contract (HO5): practical completion within 30 weeks and details on Clause 26
b. Liquidated damages	This is the amount paid by the contractor to the client when the practical completion is not achieved as per the date set in the contract. And in order to prevent this an extension of time request is relevant. Shown on example – Building contract (HO5): calculated on the basis of \$1 and details on Clause 30
c. Extension of time	This is the request or allowance for extension of the period stated earlier in the contract especially when there is a delay outside of the contractors control. Shown on example – Building contract (HO5): and details on Clause 9 and may be requested in times of Variations as stated in Clause 17.
d. Force majeure	This refers to unforeseen events or circumstances beyond control of the parties in the contract and no one can be blamed for them; however this contract term is not on the provided Contract (example – Building contract (HO5))
e. Terminations	This is a clause in the contract which covers the circumstances in which a contract can be legally terminated or ended. Shown on example – Building contract (HO5): as per Clause 4

iii. Outline all the sections contained in the contract.

The sections contained in the contract as per example – Building contract (HO5):

Sections of contract are:

- Date
- Contract price
- Owners details
- Builder details
- The Site
- Encumbrances, covenants and easements
- Sources of funds
- Builder's margin
- Other statutory obligations
- Interest
- Development application and complying development certificate
- Contract period
- Liquidated damages
- Other contract documents
- Initial Period
- Guarantors
- Progress Payments
- Excluded Items
- Description of works
- Warranty Insurance
- Prime Cost and Provisional Sum Items
- Signatures
- Deed of guarantee and indemnity

iv. Outline one clause that states an obligation of the client.

As per example – Building contract (HO5) the clause 3 states the client's obligation as:

3.1 the owner must pay the contract price and other money that becomes payable under this contract in the manner and at the times states in this contract

3.2 If there is more than one owner:

- (a) The obligations in this contract apply to each of them individually and to all of them as a group
- (b) A quote, notice, claim or any other communication to the owners has only to be given to one of the owners; and
- (c) To the extent allowed by law, one of the owners may sign a quote, notice instruction, direction or other communication in order to bind all of the owners and in doing so is deemed to be signing on behalf of all owners.

- v. Outline one clause that states an obligation of the contractor.

As per example – Building contract (HO5) the clause 2 – states the builders’ obligations as ‘The builder must carry out and complete the building works in accordance with this contract’

- vi. Outline one clause that states a right of the client.

As per example – Building contract (HO5) - The client has a right to withdraw from the contract in that the contract may be subject to a cooling off period that entitles the client to rescind this contract by giving a notice in writing as required by Section 7BA of the Home Building Act

- vii. Outline one clause that states a right of the contractor.

As per example – Building contract (HO5) – As per Clause 4 whereby the client must give the builder evidence of ownership before commencing works on the property and if the client fails to satisfy the requirements as per Clause 4, then the builder has the right to end the contract and the client must pay the builder the price of the services provided and any works carried out to the date that this contract is ended including builders margin and cost of materials on site or already ordered from suppliers that are non-returnable

viii. How is the contractor liable for the performance of their obligations?

As per example – Building contract (HO5):

- As per Clause 2 – The builder must carry out and complete the building works in accordance with the contract and the performance outlined
- As per Clause 38 – The builder warrants that the building works will be performed in a proper and workmanlike manner and in accordance with the plans and specifications attached to the contract
- As per Clause 10 - The builder is not responsible for the performance and suitability of goods and services provided by the owner

ix. How is the client liable for the performance of their obligations?

As per example – Building contract (HO5):

The Guarantor is not discharged by any forbearance given to the client/owner to perform the Clients/Owners obligations under the contract, whereby the Guarantor guarantees to the Builder the fulfilment of the Clients/Owners obligations under the contract

- x. Outline the circumstances that constitute a breach of the provided contract.

As per example – Building contract (HO5), the circumstances that constitute a breach of the contract are:

As per Clause 33 whereby ending the contract due to breach whereby:

- If the builder licence cancelled or suspended
- If builder suspends the carrying out of the building works
- If the owner fails to pay any amount by the due date
- If the owner fails to give evidence of ability to pay
- If the owner interferes with or obstructs the progress of the building works
- If the owner fails to give or interferes with the builder's possession of the site
- If the owner fails to give instruction or direction required within the time specified
- A written notice may be given to either party stating details of the breach that if the breach is not remedied within 10 working days, then the party is entitled to end the contract or if >10 days and not remedied then the party giving the notice of default can end the contract by giving a further written notice to that effect.

As per Clause 32, if the owner is in breach of the contract the builder can suspend the building works and give a written notice of suspension until remedied

As per Clause 19, if the owner breaches the goods and services provision for material supplied by owner, then the builder can carry out the building works without incorporating the good or suspend the works or give the owner a notice of default

As per Clause 23, the builder is not responsible for any loss and damage that the owner may incur arising from the owner taking early possession in breach of Clause 28.1 whereby the owner cannot enter and take occupation of site or take control of building works or site or prevent the builder from carrying out the building works without the builder's written consent.

- xi. Outline the circumstances that constitute termination of the contract.

As per example – Building contract (HO5), the circumstances that constitute a termination of the contract are:

As per Clause 4 – the owner must satisfy the essential matters within the initial period of 15 working days and the builder does not need to commence on site until the essential matters are satisfied, otherwise may terminate the contract

Other Termination of contracts can be due to:

- Termination by Performance when contract is executed and completed without any disagreements
- Termination due to unforeseen circumstances – force majeure
- Impossible performance in a contract – where the obligation of either party is impossible eg) with new legislation being passed
- Termination by mutual agreement between the parties

- xii. Identify the legislative requirements addressed in the contract and briefly describe the procedure for each.

As per example – Building contract (HO5):

As per Clause 25 – the builder must comply with all obligations under workers compensation legislation

As per Clause 4 – regarding initial period and owner obtaining building approvals by a statutory or other authority prior to commencement of work

Other Legislative requirements addressed in a contract are:

- AS2124 – provisional sums and final prices adjusted, fixed timeframe and date for practical completion, otherwise liquidated damages may apply
- AS4000

Overview

The goal of this assessment is to assess your practical knowledge and skills in:

- Identifying and analysing business contracts
- Selecting appropriate contracts
- Preparing the contract
- Administering the contract
- Finalising a contract

This workplace assessment is made up of three workplace tasks:

Task 1 – Meet with Contracting Parties

Task 2 – Select the Type of Contract

Task 3 – Prepare and Compile the Range of Documents to be Used in the Contract

Task 4 – Draft the Contract

Task 5 – Review Contract Draft with Relevant Persons

Task 6 – Prepare Final Contract

Task 7 – Process Progress Payment

Task 8 – Process Application for Extension of Time

Task 9 – Negotiate Contract Variations

Task 10 – Workplace Measures Against Breach of Contract

Task 11 – Confirm Performance of Work

Task 12 – Review Conditions for Issuing a Final Certificate

Task 13 – Verify Practical Completion of the Project

Task 14 – Finalise Contract

Task 15 – Issue Certificate Upon Completion of Work

Task 16 – Secure Documentation for Records Purposes

Each task comes with a set of instructions. You are to follow and perform these instructions and submit any required documentation.

You are required to:

- Complete the tasks within the time allowed.
- Review the instructions in each task.
- Identify and analyse business contracts
- Select appropriate contracts
- Prepare the contract
- Administer the contract
- Finalise the contract
- Perform the workplace task according to the instructions provided.
- Complete and submit any required documentation.

Resources required for assessment:

To complete this assessment, you will need access to the following:

- A workplace or a similar environment that will allow you access to:
 - Building and construction project contract
 - Building and construction project site and personnel
 - Colleagues who are also working on the building and construction project
 - Organisational policies and procedures, including:
 - Policies and procedures relevant to communicating with contracting parties.
 - Policies and procedures relevant to selecting appropriate contract.
 - Policies and procedures relevant to preparing and finalising contract.
 - Policies and procedures relevant to dispute resolution.
 - Policies and procedures relevant to processing progress payments
 - Policies and procedures relevant to applying for Extension of Time
 - Policies and procedures relevant to site inspections
 - Documentation templates, including:
 - equipment, site accommodation and services information
 - human resource projections
 - materials lists
 - construction drawings and specifications
 - project timelines
 - schedules
 - progress payments

- policies and procedures checklist
- application for Extension of Time
- construction certificates
- relevant government building and construction and contract legislation
- current building and construction codes and standards
- digital devices, applications and software to transmit and receive information electronically

Task 1 – Liaise with Contracting Parties

Liaise with all the contracting parties to review and discuss contract matters.

You will be required to liaise with all members of the construction contracting party to ensure that all terms of the contract, duties and responsibilities and the general plan for the construction project are clearly understood and accepted by all parties.

This can be completed via email correspondence with any relevant members of the contracting party and should relate to (but not limited to) recording the identities of the contracting parties, type of contract, capacity to consent to a contract, contract offer, contract acceptance.

You will be assessed on:

- Practical knowledge of the factors and special conditions associated with the parties' consent to a contract and the requirements associated with an offer and acceptance of a contract.
- Practical skills relevant to communicating with contracting parties.

Before starting this task, review the **Workplace Assessment Task 1 – Assessor's Checklist** provided along with this workbook. This form lists all the practical skills you need to demonstrate while completing this task.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, submit a copy of any emails sent/received in relation to discussing any construction contract matters with any of the contracting party.

Task 2 – Select the Type of Contract

Identify the type of contract appropriate to the building and construction project you are undertaking for this assessment.

Residential Contract

Task 3 – Prepare and Compile the Range of Documents to be Used in the Contract

Prepare and compile the range of documents that collectively make up the contract for the project you are working on. The range of documents included must be for the contract type you indicated in Task 2.

Documents you prepare and compile for this task may include the following:

- equipment, site accommodation and services information
- human resource projections
- materials lists
- construction drawings and specifications
- project timelines
- schedules

Compile them in a folder for submission to your assessor.

You will be assessed on:

- Practical knowledge of range of documents that collectively relevant to the project contract.
- Practical skills in preparing and compiling the range of documents that collectively make up the contract.

Before starting this task, review the **Workplace Assessment Task 3 – Assessor’s Checklist** provided along with this workbook. This form lists the criteria your folder submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, submit the folder with all the documents you have compiled to your assessor.

Task 4 – Draft the Contract

1. Draft the contract for the building and construction project you are undertaking for this assessment. Ensure the type of contract you draft is appropriate for this project (as specified in Task 2).

Use your organisation's template for drafting the type of contract appropriate for this project.

Assess how you will schedule the progress payments, e.g., quarterly, or based on milestone completion, percentages of payments to be made at different points in the project.

Include in your contract the schedule of progress payments (based on your assessment) as well as processes for applying for extension time.

You will be assessed on:

- Practical knowledge relevant to drafting the contract, including all relevant details, definitions of unreasonable or vexatious notice, repudiation of a contract, conditions for completion at the cost of the contractor, ousting the contractor, and abandonment of a contract, etc.
- Practical skills in drafting the contract accurately.

Before starting this task, review the **Workplace Assessment Task 4 – Assessor's Checklist** provided along with this workbook. This form lists the criteria your draft contract submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, submit the following to your assessor:

- Contract draft

2. Explain how you assessed the schedule of progress payments in the previous task.

The progress payment schedule in this case is a monthly one, with the first month payment being the monthly amount less the initial deposit. This decision was made as it was a smaller project, and the client found this method easier for payment purposes and as agreed by all parties.

Generally, in some of our other projects we schedule payments based on the amount of work that needs to be done at the different stages of the project using percentages of completion eg) an initial deposit of 5%, then after completion of slab stage 10%, after completion of frame stage 15% etc until practical completion. These will all add up to 100% at the end of Practical completion stage.

Task 5 – Review Draft Contract with Relevant Persons

Present your draft contract to the relevant contracting parties. This can be done via email to all members of the contracting party and should include any discussions relating to:

- Reviewing the legality and validity of the draft contract with the contracting parties.
- Resolving any discrepancies or disagreements with the contracting parties.
- Recording any amendments to be made in the draft contract.

You will be assessed on:

- Practical knowledge relevant to resolving discrepancies or disagreements between parties prior to contract preparation.
- Practical skills relevant to reviewing the contract in terms of legality and validity.

Before starting this task, review the **Workplace Assessment Task 5 – Assessor’s Checklist** provided along with this workbook. This form lists all the practical skills you need to demonstrate while completing this task.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, submit any relevant emails (including responses from the contracting parties) during the draft contract phase of the construction project to your assessor. Remember to include any acceptance emails

Task 6 – Prepare Final Contract

Based on the outcomes of your meeting in Task 5, make the necessary amendments in your draft and prepare the final contract based on the legal process of your organisation.

You will be assessed on:

- Practical knowledge of organisation’s legal process in relation to preparing final contracts.
- Practical skills in preparing the final contract in accordance with the organisation’s legal process.

Before starting this task, review the **Workplace Assessment Task 6 – Assessor’s Checklist** provided along with this workbook. This form lists the criteria your draft contract submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, submit the copy of the final contract to your assessor.

Task 7 – Process Progress Payments

Process progress payments as due under contract (in two separate instances).

You will be assessed on:

- Your practical knowledge of progress payments
- Your practical skills in processing progress payments

Before starting this task, review the **Workplace Assessment Task 7 – Assessor’s Checklist** provided along with this workbook. This form outlines all the practical skills you need to demonstrate while completing this task.

After completing this task, submit any evidence (in two separate instances) of any progress payments made by the client e.g., Progress payment invoices relating to the relevant construction stages.

Submit two pieces of evidence, one for each instance you processed progress payments.

Note: In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.

Task 8 – Process Application for Extension of Time

Process application for Extension of Time, in accordance with organisational policies and contract conditions. (in two separate instances).

You will be assessed on:

- Your practical knowledge on the process of application of Extension of Time
- Your practical skills in processing applications for Extensions of Time

Before starting this task, review the **Workplace Assessment Task 8 – Assessor’s Checklist** provided along with this workbook. This form outlines all the practical skills you need to demonstrate while completing this task.

After completing this task, submit the following to your assessor:

- evidence of processing application for Extension of Time. E.g., copy of written notice to the contract administrator and relevant people.
- copy of relevant organisational policies you followed to complete this task
- excerpt from contract showing relevant conditions you followed to complete this task

Note: In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.

Task 9 – Negotiate Contract Variations

Identify variations from the contract. Liaise with the contracting parties and negotiate identified variations to the construction contract. This can be achieved through a series of emails with the relevant contracting parties.

You will be assessed on:

- Practical knowledge of construction contract variations.
- Practical skills in negotiating and documenting contract variations.

Before starting this task, review the **Workplace Assessment Task 9 – Assessor’s Checklist** provided along with this workbook. This form lists the criteria your folder submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, submit any relevant emails (including responses from the contracting parties during contract variation negotiations. Remember to include any acceptance emails.

Note: In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.

Task 10 – Workplace Measures Against Breach of Contract

Review the policies and procedures in your organisation to ensure there are measures in place to prevent breach of contract.

You will be assessed on:

- Your practical knowledge of minimising liquidated damages and penalties.
- Your practical skills in reviewing policies and procedures to ensure there are measures in place to minimise liquidated damages and penalties.

Use the **Policies and Procedures Checklist** provided along with this workbook to document your checks of these training agreements.

Before starting this task, review the **Workplace Assessment Task 10 – Assessor’s Checklist** provided along with this workbook. This form lists the criteria your draft contract submission must address to complete this task satisfactorily.

After completing your review, submit your completed Policies and Procedures Checklist to your assessor as well as copies of policies and procedures you reviewed for this task.

Task 11 – Confirm Performance of Work

1. You will need to complete the following to confirm performance of work:

- Discuss project progress with relevant site personnel
- Discuss compliance of performance with contracts terms to contracting parties
- Review compliance with relevant legislation and regulations

This can be achieved through a series of email communications between the candidate and the Building Site Supervisor.

You will be assessed on:

- Your practical knowledge of contract administration and dispute resolution.
- Your practical skills in administering the project contract.

Before starting this task, review the **Workplace Assessment Task 11.1 – Assessor’s Checklist** provided along with this workbook. This form lists the criteria your folder submission must address to complete this task satisfactorily.

After completing your review, submit evidence of Performance of Work. E.g., the documents used to confirm performance of work in accordance with the contract and relevant legislations and regulations and any relevant email communication between the candidate and the Building Site Supervisor in relation to the performance of work.

Note: In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.

2. You will need to complete the following to confirm performance of work:

- Apply contractual dispute resolution processes to resolve disputes with the contract
- Record outcomes of the contractual dispute resolutions.

You will be assessed on:

- Your practical knowledge of contractual dispute resolution processes and relevant contract legislation and regulations.
- Your practical skills in resolving contractual disputes in accordance with contract and relevant legislation and regulations.

Before starting this task, review the **Workplace Assessment Task 11.2 – Assessor’s Checklist** provided along with this workbook. This form outlines all the practical skills you need to demonstrate while completing this task.

After completing this task, submit documents from your dispute resolution to your assessor.

Task 12 – Review Conditions for Issuing a Final Certificate

1. Review the conditions for issuing a final certificate in the contract. Compare actual construction conditions presented by the contractor and verify if the conditions for issuing a final certificate in the contract are met.

You will be assessed on:

- Practical knowledge on issuance of final certificates.
- Practical skills in assessing conditions for issuance of final certificate.

Use the **Final Certificate Checklist** provided along with this workbook to document your checks of these conditions.

Before starting this task, review the **Workplace Assessment Task 12 – Assessor’s Checklist** provided along with this workbook. This form lists the criteria your folder submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, you must submit the following:

- Final Certificate Checklist
- Copies of the workplace resources showing actual construction conditions presented by the contractor. E.g., photographs of the construction site, invoice for the work completed.
- Except from the contract showing the conditions for issuing a final certificate.

Note: In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.

2. Answer the questions below:

- i. Based on the review and comparison you did in Task 12.1, are the conditions for issuing final certificate met?
- ii. Explain your response.

Are the conditions for issuing final certificate met?

☒ YES ☐ NO

Explanation:

Yes they have been met as the contract has been completely fulfilled, signifying the agreement of the final contract sum, the scope of services all met, the schedule of activities met, the cost and payment terms were fully met and completed in a timely manner and sign off on no defects to be fixed, as agreed by all parties

Task 13 – Verify Practical Completion of the Project

Conduct a site inspection to verify practical completion of the project as defined by the contract.

You will be assessed on:

- Practical knowledge of the process for practical completion of contract.
- Practical skills in applying the process practical completion of contract.

Use the **Practical Completion Checklist** provided along with this workbook to document your checks of these conditions.

Before starting this task, review the **Workplace Assessment Task 13 – Assessor’s Checklist** provided along with this workbook. This form lists all the practical skills you need to demonstrate while completing this task.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, submit the following to your assessor:

- The Practical Completion Checklist
- Excerpt from the contract showing the definition of Practical Completion

Note: In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.

Task 14 – Finalise Defects Liability

Review the terms of the defects liability period in the contract, and verify that the make good instructions for all defects are satisfied. This can be confirmed via email from a suitable workplace supervisor confirming the end of defects liability.

You will be assessed on:

- Your practical knowledge on finalising defects liability.
- Your practical skills in finalising defects liability.

Use the **End of Defects Liability Checklist** provided along with this workbook to document your checks of these satisfied make good instructions.

Before starting this task, review the **Workplace Assessment Task 14 – Assessor's Checklist** provided along with this workbook. This form lists the criteria your draft contract submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing your review, submit the following:

- Copies of the workplace resources you reviewed to verify make good instructions of defects are satisfied. E.g., clearance for site restoration, survey certification.
- End of Defects Liability Checklist (provided in an email from a suitable workplace supervisor confirming the end of defects liability).

Note: In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.

Task 15 – Issue Certificate Upon Completion of Work

Review contract terms for completion of work. Verify if terms have been met and issue the relevant certificates for completion of work.

You will be assessed on:

- Your practical knowledge on issuance of appropriate certificates upon completion of the contract work.
- Your practical skills in issuing of appropriate certificates upon completion of the contract work.

Before starting this task, review the **Workplace Assessment Task 15 – Assessor’s Checklist** provided along with this workbook. This form lists the criteria your folder submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing your review, submit copies of certificates you issued upon completion of work to your assessor.

Note: In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.

Task 16 – Finalise the Contract and Secure Documentation for Records Purposes

Finalise the contract and collate all documentation relevant to the finalisation of the contract. Consolidate them in a folder and submit them to your assessor.

Follow relevant legislation, contract provisions and organisational policies and procedures when completing this task.

You will be assessed on:

- Your practical knowledge of finalising the contract and securing necessary documentation.
- Your practical skills in finalising the contract and securing necessary documentation.

Before starting this task, review the **Workplace Assessment Task 16 – Assessor's Checklist** provided along with this workbook. This form lists the criteria your folder submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing your review, submit the folder containing all the documents you secured while completing this task to your assessor.

2. Where would you secure/store the following documentation in your workplace:

Currently we are working on obtaining a software to assist with this, as we are a small but growing company, therefore at the moment we are using spreadsheets to record and folders on the computer/laptop to store the information, making it accessible to those that require it, with links and passwords accordingly.

Document	Secured/Stored
a. Final Contract	Record on spreadsheets and store on folders
b. Certificate of Practical Completion	Record on spreadsheets and store on folders
c. Certificate issued by contractor	Record on spreadsheets and store on folders
d. Health and Safety inspection certificates	Record on spreadsheets and store on folders
e. Statement of Compliance	Record on spreadsheets and store on folders

TO THE CANDIDATE

When you have completed this assessment workbook, review your work, and ensure that:

X You have completed all the Knowledge Assessments Questions.

X You have completed the Practical Assessments in this workbook

X Practical Assignment

X Task 1 – Identify Building and Construction Contract

X Task 2 – Identify Intention of Legal Relation

X Task 3 – Identify Parts of a Contract

X Workplace Assessment

X Task 1 – Meet with Contracting Parties

X Task 2 – Select the Type of Contract

X Task 3 – Prepare and Compile the Range of Documents to be Used in the Contract

X Task 4 – Draft the Contract

X Task 5 – Review Contract Draft with Relevant Persons

X Task 6 – Prepare Final Contract

X Task 7 – Process Progress Payment

X Task 8 – Process Application for Extension of Time

X Task 9 – Negotiate Contract Variations

X Task 10 – Workplace Measures Against Breach of Contract

X Task 11 – Confirm Performance of Work

X Task 12 – Review Conditions for Issuing a Final Certificate

X Task 13 – Verify Practical Completion of the Project

X Task 14 – Finalise Contract

X Task 15 – Issue Certificate Upon Completion of Work

X Task 16 – Secure Documentation for Records Purposes

X You have saved and submitted the following evidence:

X This completed workbook

X Assessment Workbook Cover Sheet signed and scanned

X You have saved and submitted the following evidence:

X Workplace Assessment Task 1

X Copy of any relevant emails sent/received in relation to discussing any construction contract matters with any of the contracting party.

X Workplace Assessment Task 3

- X Folder with the range of documents
- X Workplace Assessment Task 4
 - X Contract draft
- X Workplace Assessment Task 5
 - X Copy of any relevant emails (including responses from the contracting parties) during the draft contract phase of the construction project to your assessor.
- X Workplace Assessment Task 6
 - X Final contract
- X Workplace Assessment Task 7
 - E X vidence of progress payment processing
- X Workplace Assessment Task 8
 - X Evidence of processing application for Extension of Time
 - X Copy of relevant organisational policies
 - X Excerpt from contract showing relevant conditions
- X Workplace Assessment Task 9
 - X Copy of any relevant emails (including responses from the contracting parties during contract variation negotiations.
- X Workplace Assessment Task 10
 - X Policies and Procedures Checklist
 - C X opy of relevant organisational policies and procedures
- X Workplace Assessment Task 11
 - X Copy of any relevant email evidence of Performance of Work
- X Workplace Assessment Task 12
 - X Final Certificate Checklist
 - X Excerpt from contract showing relevant conditions
- X Workplace Assessment Task 13
 - X Practical Completion Checklist
 - X Excerpt from contract showing definition of Practical Completion
- X Workplace Assessment Task 14
 - X Copy of email evidence from Workplace Supervise confirming the end of defects liability.
 - X End of Defects Liability Checklist
- X Workplace Assessment Task 15
 - X Issued Certificate
- X Workplace Assessment Task 16

X Documentation folder

IMPORTANT:

You must achieve a satisfactory result in ALL assessment tasks to be deemed COMPETENT for the unit/s relevant to this workbook.

To be deemed competent in the unit/s of competency relevant to this workbook, you must successfully complete all the requirements listed above according to the prescribed benchmarks provided to the assessor.

Record of Assessment (Assessor's Use Only)

RECORD OF ASSESSMENT	
Candidate's Name	
RTO Name	
Assessor's Name	
Unit of Competency	CPCCBC4003 - Select, prepare and administer a construction contract

Knowledge Assessment	S	NYS
Question 1	☐	☐
Question 2	☐	☐
Question 3	☐	☐
Question 4	☐	☐
Question 5	☐	☐
Question 6	☐	☐
Question 7	☐	☐
Question 8	☐	☐
Question 9	☐	☐
Question 10	☐	☐
Question 11	☐	☐

Practical Assessment		
Practical Assignment	S	NYS
Task 1	☐	☐
Task 2	☐	☐
Task 3	☐	☐

Workplace Assessment	S	NYS
Task 1	☐	☐
Task 2	☐	☐
Task 3	☐	☐
Task 4	☐	☐
Task 5	☐	☐
Task 6	☐	☐
Task 7	☐	☐
Task 8	☐	☐
Task 9	☐	☐
Task 10	☐	☐
Task 11	☐	☐
Task 12	☐	☐
Task 13	☐	☐
Task 14	☐	☐
Task 15	☐	☐
Task 16	☐	☐

Rules of Evidence	S	NYS
All knowledge and skills evidence submissions are valid	☐	☐
All knowledge and skills evidence submissions are authentic	☐	☐
All knowledge and skills evidence submissions are sufficient	☐	☐
All knowledge and skills evidence submissions are current	☐	☐

Signature Authentication Checklist

This checklist will guide you in authenticating the signatures provided by the candidate in their assessment workbook and evidence submissions.

Read each checklist item and tick the box only if you confirm that the item is a true and accurate reflection of the signature authentication you have conducted.

Checklist	Completed
I have checked the signature provided by the candidate in the Assessment Workbook Cover Sheet against the signature they provided to the Training Provider.	☐
I confirm the signature provided by the candidate in the Assessment Workbook Cover Sheet matches the signature they provided to the Training Provider.	☐
I confirm ALL signatures provided by the candidate in their evidence submissions match with the signature they provided to the Training Provider.	☐

Third-Party Verification Log

Instructions for the Assessor:

You are required to contact all third-party personnel involved in the candidate's assessment to verify the candidate's performance and evidence submissions and to confirm with them whether the candidate's evidence submissions are true and accurate.

Complete this Third-Party Verification Log to document your completion of this process. When completing this log, provide all of the following required information for each third-party personnel:

- Name of third-party personnel contacted
- Relevant qualifications and/or experience of Third-party personnel contacted
- Role in the candidate's assessment (e.g. workplace supervisor, observer, or candidate)
- Contact details (phone number or email address)
- Date contacted

You must also confirm that third-party personnel have verified the candidate's evidence submissions are true and accurate.

Contact No.1

Name and job title of Third-party Contacted			
Relevant Qualifications/experience of Third-party			
Role in the Candidate's Assessment	Contact Details (Phone number or email address)	Date contacted	Third-Party verifies evidence submissions of the candidate are true and accurate?
			Yes ☐ No ☐ Assessor's Notes

Contact No.2

Name and job title of Third-party Contacted			
Relevant Qualifications/experience of Third-party			
Role in the Candidate's Assessment	Contact Details (Phone number or email address)	Date contacted	Third-Party verifies evidence submissions of the candidate are true and accurate?
			Yes ☐ No ☐ Assessor's Notes

Contact No.3

Name and job title of Third-party Contacted			
Relevant Qualifications/experience of Third-party			
Role in the Candidate's Assessment	Contact Details (Phone number or email address)	Date contacted	Third-Party verifies evidence submissions of the candidate are true and accurate?
			Yes ☐ No ☐ Assessor's Notes

Assessor Declaration	
I declare that the information recorded in this Third-Party Verification Log is true and accurate.	
Assessor's name	Assessor's signature
Date signed	

End of Record of Assessment (For the Assessor's Use Only)